

REMARKS

Summary of the Office Action

Claims 1-24 are pending in the application.

A restriction requirement has been imposed between the Group I, the intraocular lenses of claims 1-15 and Group II, methods of using such lenses of claims 16-24.

An election of species has been imposed between the following species: A (Figures 3a-3b); B (Figures 4a-4b); C (Figure 5); D (Figures 6a-6b); E (Figure 8); F (Figures 9a-9b); G (Figures 10a-10b); and H (Figure 11).

Claims 2, 6, 7, 10, 11 and 16-24 have been withdrawn responsive to a telephonic election.

The drawings have been objected allegedly for failing to disclose the posterior lens recited in claim 14.

Claim 5 has been objected to as positively reciting a portion of the human body.

Claims 1, 3-5, 8, 9 and 12-15 have been rejected as anticipated by Christie et al. U.S. Patent No. 4,932,966 ("Christie").

Applicant's Response

Applicant hereby affirms without traverse the election Group I, species H for initial prosecution in this application.

Applicant respectfully traverses the objection to the drawings. Paragraph 91 of the application recites that IOL 170 of FIG. 11 "is similar in construction to IOL 150 of FIGS. 10, and includes substrate 171, actuator element 172 and anterior element 173." Paragraph 85 recites that the corresponding substrate of the embodiment of FIGS. 10 "preferably comprises a sturdy transparent polymer and includes posterior lens 154..." See FIGS. 10A and 10B.

Applicant submits that one reading the foregoing portions of the specification would understand that the posterior lens referred to in claim 14 of the present application corresponds to the structure depicted in FIGS. 10A and 10B, and thus the drawings comply with 37 C.F.R. 1.83(a). Applicant respectfully requests that the objection to the drawings be withdrawn.

Claim 5 has been amended to recite a "haptic configured to engage a ciliary muscle of an eye, the haptic configured to transmit force to the reservoir", thereby obviating the rejection based on 35 U.S.C. § 101.

With respect to the anticipation rejection based on Christie, applicant has amended claim 1 recite "an actuator disposed within the housing to separate the housing into first and second chambers ***disposed in alignment along an optical path of the lens.***" Support for this recitation is provided in the specification in paragraphs 91-92 and 84-90.

Applicant submits that amended claim 1 patentably distinguishes over Christie. The Office action contends that the claimed first fluid chamber corresponds to fluid space 156 in the embodiment of Figure 14 of Christie and that the second fluid chamber corresponds to the interior volume 270B of the haptic of Figure 22. The Office action does not identify ***any structure*** in Christie that corresponds to the claimed actuator, which actuator is ***disposed within the housing to separate the housing into first and second chambers.*** To the extent Office action contends that the actuator corresponds to the "extensible cell between actuator and posterior lens" and the "housing" is the periphery 148, it is at best unclear how the periphery 148 is separated into first and second chambers. It is also unclear how the fluid space 156 and interior 270B of the haptic could be considered to be "separated" since

those spaces are in fluid communication.

Notwithstanding the foregoing, applicant has amended claim 1 to recite that the first and second chambers are disposed in alignment along an optical path of the lens. Fluid space 156 and interior 270B of haptic 291 of the lenses described in Christie plainly do not meet this limitation. Indeed, Christie contains no teaching or suggestion that an actuator should be disposed to create first and second chambers disposed along an optical path of a lens, so that an optical power of the lens is altered by varying the relative volumes of fluid in the first and second chambers. Accordingly, amended claim 1 patentably distinguishes over Christie.

Dependent claims 3-5, 8, 9, 12-15 and new claims 25 and 26, which depend directly or indirectly from claim 1, are patentable for at least the same reasons as claim 1.

Applicant further has added new claims 27-39, which provide an alternative expression of the invention recited in claim 1. In particular, new claim 27 recites "an actuator disposed within the housing to separate the housing into first and second **non-communicating** chambers." Support for this recitation is provided in the specification in FIG. 11 and paragraphs 91-92 and 84-90.

Applicant submits that new claim 27 also patentably distinguishes over Christie. Fluid space 156 in the embodiment of Figure 14 of Christie plainly is in fluid communication with interior volume 270B of the haptic of Figure 22. As noted above, the Office action does not identify **any structure** in Christie that corresponds to the claimed actuator and which **separates the housing into first and second non-communicating chambers**. As discussed above, it is unclear how the fluid space 156 and interior 270B of the haptic could be considered to be "separated" since those

spaces must be in fluid communication; otherwise Christie would be inoperative.

Christie does not meet the limitations of new claim 27, and contains no teaching or suggestion that an actuator should be disposed to create first and second non-communicating chambers, so that an optical power of the lens may be altered by varying the relative volumes of fluid in the first and second chambers. Accordingly, claim 27 patentably distinguishes over Christie, as do dependent claims 28-39, which depend therefrom.

In view of the foregoing amendments and remarks, applicant submits that the application is in condition for allowance. Applicant respectfully requests that the withdrawn claims be rejoined in this application.

Respectfully submitted,



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